UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1998/5
6 January 1998
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 2 JANUARY 1998 FROM THE PERMANENT REPRESENTATIVE OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you herewith a letter addressed to you by Mr. Omar Mustafa Muntasser, Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Abuzed Omar DORDA
Permanent Representative

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Annex

Letter dated 2 January 1998 from the Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya addressed to the President of the Security Council

You doubtless noted the statements that were made by the official spokesman for the White House and by the Permanent Representative of the United States to the United Nations on the occasion of the painful anniversary of the destruction of Pan Am flight 103. Both of them said that people were still waiting for justice to be done despite the fact that nine years had passed since the downing of the aircraft. They both stressed that the two men accused should be brought to trial either in the United States or in Scotland and that the Security Council resolutions should be implemented. The statement made by the United States representative confirms the underlying political intention, inasmuch as he set himself up as though he alone represented the Security Council. He thus did the Council a disservice and confirmed the fact that the real problem is between his country and Libya and not between the Council and Libya.

Both speakers wilfully persisted in concealing the truth from public opinion, in conveying to the families of the victims the erroneous impression that the United States was not responsible for the long and distressing wait and in claiming that Libya had failed to comply with Security Council resolutions. Justice could have been done long ago if the United States and the United Kingdom had accepted any of the initiatives or proposals, put forward either by Libya or by the international community as represented by various regional and international organizations, which offer a peaceful, just and fair solution that safeguards the rights of all the parties to the Lockerbie issue. It is the United States of America that is obstructing justice by refusing to have the accused men tried by a just and fair tribunal free of the atmosphere of prior condemnation constantly enkindled and kept alight by the statements made by the officials and the news media of the two countries in question.

As is well known, the Libyan Arab Jamahiriya has left no stone unturned in seeking a peaceful solution to this dispute. All it has sought to do is to ensure the right of the accused to a just and fair trial at a venue where they have not been found guilty in advance. There is no such place in the United States of America or in the United Kingdom. Libya has proposed many initiatives, and it has accepted many of the suggestions made by regional and international organizations. It accepted the proposal of the League of Arab States that the two suspects should be tried by a court in a neutral country and then the League's proposal, as endorsed by the Organization of African Unity, the Organization of the Islamic Conference and the Movement of Non-Aligned Countries, that they should be tried at The Hague by Scottish judges and in accordance with Scottish law. It also supported the options proposed to the Security Council by the Secretaries-General of the League of Arab States and the Organization of African Unity. Those options met with wide support not only from international and regional organizations but also from distinguished international leaders and personages, who viewed them as a realistic and

workable way to resolve the dispute in a manner satisfactory to all parties. The options were as follows:

(a) That the two suspects should be tried in a neutral country to be designated by the Security Council;

(b) That the two suspects should be tried by Scottish judges at the International Court of Justice at The Hague in accordance with Scottish law;

(c) That a special criminal tribunal should be established at the seat of the International Court of Justice at The Hague to try the accused.

The statements made by United States officials, as well as being obstructive and preventing justice from being done by rejecting the search for a peaceful, just and fair solution, are also an expression of the obduracy, arrogance and contempt that the United States continues to display towards the international community. Such policies do not help to end the problem but rather serve to exacerbate the suffering of the families of the victims, who constantly call for the establishment of a just and fair tribunal at a neutral venue, and, at the same time, to prolong the suffering of the Libyan Arab people and the human and material damage increasingly being caused.

In the light of the foregoing, no one can claim to be more concerned than Libya or than the families of the victims for justice to be done and for the suffering to stop. This is the reason for Libya's insistence, which is supported by the families of the victims, on the need for the accused to be tried promptly in accordance with the most basic of the norms of justice, namely the right to a just and fair trial in an atmosphere free of prior condemnation.

Accordingly, the General People's Committee for Foreign Liaison and International Cooperation sees no justification for fabricating excuses, for any delay in holding the trial or, indeed, for prolonging the sanctions and the suffering of the families of the victims.

(Signed) Omar Mustafa MUNTASSER
Secretary of the General People's
Committee for Foreign Liaison and
International Cooperation